THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 6256 of 2006

04-04-2006

Between:-

Sri Akkamma Gari Devalaya Abivrudhi Welfare Society (Devadula Betta Temple), Ontimiddi village, Kalyandurg Mandal, Anantapur district rep., by its President K. Venkatesulu.

Petitioner

And

The Assistant Commissioner of Endowments, Endowments Department, Anantapur, Anantapur district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6256 of 2006

Oral order:

There is a temple by name Sri Akkamma Gari Devalayam (Devadula Betta Temple) in Ontimiddi village, Kalyandurg Mandal, Anantapur. The petitioner claims to have formed itself into Sri Akkamma Gari Devalaya Abivrudhi Welfare Society (Devadula Betta Temple), Ontimiddi village, Kalyandurg Mandal, Anantapur and obtained registration therefor under the Societies Registration Act, in February, 2004.

According to the petitioner, the villagers developed this ancient temple by raising contributions amongst themselves. Villagers have also endowed certain extents of land in favour of the temple.

While so, the 1st respondent notified on 16-03-2005 soliciting applications from interested and eligible persons to be appointed as members of the Trust Board of the temple. Responding to the said notification, the petitioner-society submitted an application dated 28-03-2005 requesting the 1st respondent to consider the names of five (5) persons specified by the petitioner – society for appointment as trustees to the temple.

The petitioner's grievance is that despite the lapse of more than an

year from the date of notification, no steps have been taken by the 1st respondent to consider the recommendation of the petitioner and for appointment of the trust board. The writ petition is filed seeking a direction to the respondents to consider the application of the petitioner for appointment of the members of the petitioner-society as trustees of the temple in question, in accordance with its recommendations.

The petitioner has no manner of authority to recommend to the 1st respondent to accept its proposals for appointment of trustees to the temple in question. The petitioner-society may be an association of individuals interested in the welfare of the temple, but it is the 1st respondent, which is the competent authority under the extant legislation – The Andhra Pradesh Charitable and Hindu Religious Instituions & Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act'), competent to appoint Trustees to the temple. A Notification has been issued by the 1st respondent on 16-03-2005 inviting applications from eligible and desirous individuals seeking appointment as trustees. In response thereto, it is individuals who have to make applications, not the petitioner-society. The recommendations of the petitioner-society of certain individuals for appointment as Trustees to the temple is wholly incompetent and need not be taken cognizance or note of by the 1st respondent.

On the aforesaid analysis, the writ petition is misconceived and is accordingly dismissed, at the stage of admission. No costs.

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GODA RAGHURAM, J

Dated:04-04-2006

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